

Notice of Allowability

Application No.

09/939,523

Examiner

Michael B Priddy

Applicant(s)

GRABOWSKI ET AL.

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed 12/07/2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-38, 40-42 and 70-74.
3. ☒ The drawings filed on 04/08/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

Election/Restrictions

Claims 1 and 41 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 9, 10, 15 and 23-36 are no longer withdrawn from consideration since all of these claims depend from or otherwise include each of the limitations of an allowed generic claim. However, claims 39 and 43-69 remain withdrawn from consideration since they do not depend upon or otherwise include all the limitations of an allowed generic claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tong Wu on 12/15/2004.

The application has been amended as follows:

- A) In claim 1, line 2, "one or more plates, each" has been changed to –a plate--; in line 5, "one or more" has been changed to –a-- and "apertures" has been changed to –aperture--; in line 8, "one or more" has been changed to –a— and "fasteners" has been changed to –fastener--; in line 10, "one or more fasteners are" has been changed to –fastener is-- and "one" has been deleted; and in line 11, "or more fastener-receiving apertures" has been changed to –fastener-receiving aperture--.
- B) In claim 5, line 2, "screw" has been deleted.
- C) In claim 7, lines 1-2, "at least one of the fastener-receiving apertures" has been changed to –the fastener-receiving aperture--.
- D) In claim 9, line 1, "3" has been changed to –6-- and "at least one" has been changed to –the--; in line 3, "a head" has been changed to –the head-- and "an arcuate outer surface with" has been deleted.
- E) In claim 10, line 5, "proximate the lower shaft" has been changed to –distal to the head--.

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F) In claim 11, line 1, "3" has been changed to --7-- and "at least one" has been changed to --the--; in line 3, "a screw" has been changed to --the-- and "a bulbous arcuate outer surface and" has been deleted.

G) In claim 12, line 2, "at least one locking" has been changed to --a locking--; "at least one of the fasteners" has been changed to --the fastener--; and in line 3, "at least one of" has been deleted and "apertures" has been changed to --aperture--.

H) In claim 13, line 2, --a plurality of fasteners, a plurality of fastener-receiving apertures and-- has been inserted between "comprising" and "a plurality", --each-- has been inserted after "arrangements", and "or more" has been deleted; and in line 3, "or more" has been deleted.

I) In claim 19, "16" has been changed to --18--.

J) In claim 23, line 2, "at least one" has been changed to --a--; in line 6, at least one has been changed to --a--; and in line 7, "at least one" has been changed to --the--.

K) In claim 25, line 1, "one or more" has been changed to --the--; in line 2, "projections are" has been changed to --projection is--, and "one or more grooves" has been changed to --the groove--.

L) In claim 28, line 2, "one or more horizontal grooves" has been changed to --a groove--.

M) In claim 29, line 2, "one or more anchors" has been changed to --an anchor--.

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N) In claim 30, line 2, --the-- has been inserted between "from" and "shaft".

O) In claim 31, line 1, "at least one" has been deleted; and in line 3, "one or more grooves" has been changed to --the groove--.

P) In claim 32, lines 1-2 "at least one" has been changed to --a-- and "one or more plates" has been changed to --plate--; in line 4, "at least one" has been changed to --a--; in line 6, "at least one" has been changed to --a--; in line 7, "one or more screws" has been changed to --screw--; in lines 7-8, "one or more" has been deleted and "apertures" has been changed to --aperture--; and in line 9, "bore" has been changed to --locking aperture--.

Q) In claim 35, line 1, "23" has been changed to --12--; in line 3, "at least one" has been changed to --a--; in line 5, "at least one" has been changed to --a--; in line 7, "bore" has been changed to --locking aperture--; in line 8, "base" has been changed to --shaft--, and "bore" has been changed to --locking aperture--; in line 9, "base" has been changed to --locking element--; in line 10, "the base of" has been deleted; and in line 11, "bore" has been changed to --locking aperture--.

R) In claim 37, line 2, "one or more plates, each" has been changed to --a plate,--; in line 5, "one or more" has been changed to --a--; and "apertures" has been changed to --aperture--; in line 6, "at least one" has been changed to --the--; and in line 11, "one or more screws" has been changed to --a screw--.

S) In claim 41, line 2, "one or more plates, each" has been changed to --a plate,--; in line 5, "one or more" has been changed to --a--, and "apertures" has been changed to --aperture--; in line 8, "one or more fasteners" has been

changed to --a fastener--; in line 9, "one or more" has been deleted; in line 10, "apertures" has been changed to --aperture--; in line 11, "one or more locking arrangements" has been changed to --a locking arrangement--.

T) In line 1 of claim 72, --the-- has been inserted after "surface of".

U) Claims 43-69 have been canceled without prejudice or disclaimer as being drawn to a nonelected invention.

Conclusion

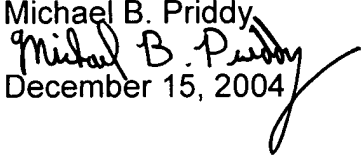
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Priddy whose telephone number is (571) 272-4717. The examiner can normally be reached on Mon.-Fri. 8 a.m. - 5 p.m..

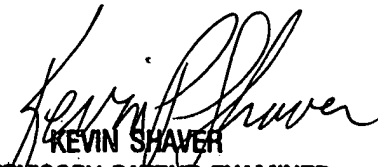
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael B. Priddy


December 15, 2004


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